

EXHIBIT A

Dion Nicely
February 26, 2019

1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 -----x
4 EDDYSTONE RAIL COMPANY, LLC,

5 Plaintiff,

6 -against-

7 BRIDGER LOGISTICS, LLC, JULIO RIOS,
8 JEREMY GAMBOA, FERRELLGAS PARTNERS, L.P.,
9 FERRELLGAS, L.P., BRIDGER ADMINISTRATIVE
10 SERVICES II, LLC, BRIDGER MARINE, LLC,
11 BRIDGER RAIL SHIPPING, LLC, BRIDGER
12 REAL PROPERTY, LLC, BRIDGER STORAGE, LLC,
13 BRIDGER SWAN RANCH, LLC, BRIDGER
14 TERMINALS, LLC, BRIDGER TRANSPORTATION,
15 LLC, BRIDGER ENERGY, LLC, BRIDGER LEASING
16 LLC, BRIDGER LAKE, LLC, J.J. LIBERTY,
17 LLC, J.J. ADDISON PARTNERS, LLC

18 Defendants.

19 -----x

20 Videotaped deposition of DION NICELY,
21 taken pursuant to Notice, was held at the Law
22 Offices of BRYAN CAVE LEIGHTON PAISNER, LLP,
23 1290 Sixth Avenue, New York, New York, commencing
24 February 26, 2019, 9:07 a.m., on the above date,
25 before Amanda McCredo, a Court Reporter and Notary
 Public in the State of New York.

Dion Nicely
February 26, 2019

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1 A They turned on the pumps.

2 Q Did they do anything else?

3 A On the actual -- act of loading, not to my
4 knowledge. They would have handled lines for the
5 terminal and waited for the ship to hook everything
6 up. And when the ship was ready to receive oil,
7 they would have signaled to Eddystone they were
8 ready to receive oil. And Eddystone would have
9 either turned a valve or pressed the button.

10 Q Okay. You said the ship would hook
11 everything up.

12 What did you mean by that?

13 A The ship was in charge of setting up the
14 ship to receive oil from the terminal.

15 Q Okay. You testified earlier that you
16 reviewed your arbitration witness statement to
17 prepare for this deposition.

18 Do you recall that?

19 A Yes.

20 MR. KRAMER: I'm going to mark an exhibit,
21 please.

22 (Witness Statement of Dion
23 Nicely was marked as Exhibit 611
24 for identification, as of this
25 date.)

Dion Nicely
February 26, 2019

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C E R T I F I C A T E

I, AMANDA McCREDO, a Shorthand Reporter
and Notary Public of the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth, was duly sworn, and
that such examination is a true record of the
testimony given by such witness.

I further certify that I am not related to any
of the parties to this action by blood or
marriage; and that I am in no way interested in
the outcome of this matter.



AMANDA McCREDO

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NO. 2:17-CV-00495-RK

- - -

EDDYSTONE RAIL COMPANY, LLC, :

Plaintiff/Counter-Defendant, :

- vs - :

JULIO RIOS, JEREMY GAMBOA, :

BRIDGER LOGISTICS, LLC, :

FERRELLGAS PARTNERS, L.P., :

FERRELLGAS, L.P., et al., :

Defendants, :

BRIDGER LOGISTICS, LLC, :

FERRELLGAS PARTNERS, L.P., and :

FERRELLGAS, L.P., :

Defendants/Counterclaimants. :

- - -

VIDEOTAPED DEPOSITION UPON ORAL
EXAMINATION OF

JOHN R. GALLOWAY, ESQUIRE
Philadelphia, Pennsylvania
January 15, 2019

- - -

REPORTED BY: EDWARD J. RUGGERI, RPR, CCR

- - -

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1 If additional unloading
2 capacity were added in Phase 2 and
3 additional storage capacity were loaded in
4 Phase 2, could the oil -- was there
5 sufficient barge capacity to move the oil
6 to refineries or would you need pipelines?

7 A. No. You could move the oil to
8 the refineries but pipelines are more
9 effective, I think.

10 Q. Okay.

11 Was the hope to eventually
12 replace barge transportation with pipeline
13 transportation?

14 A. I think you would -- you would
15 strike to get the most efficient way of
16 moving the oil along to its endpoint.

17 Q. Okay.

18 Is that why there was
19 discussion of pipeline?

20 A. Yes.

21 Q. All right.

22 So just so I can understand how
23 the facility works, was the principal
24 purpose of the facility to offload crude

1 from rail cars and then transport it
2 either by barge or pipeline?

3 A. The answer to that is yes. It
4 would -- you know, the purpose of the
5 facility was to unload rail cars where you
6 could park a long train -- a
7 mile-and-a-quarter long train and move
8 that -- quickly unload those rail cars,
9 return the cars -- the train to service,
10 and then, of course, you had to move the
11 oil along to its destination. So -- and
12 if a barge was the most appropriate step,
13 that was -- that was where it went --
14 would go and -- or if a pipeline became
15 available -- obviously you have to lay
16 pipeline. You have to get permits for the
17 pipeline. That may become the option.

18 Q. Okay.

19 You mentioned during the first
20 session today that you were the -- I think
21 you said the president of Eddystone Rail
22 Company, LLC, or do I have that wrong?

23 A. No.

24 Q. Let me ask a better question.

C E R T I F I C A T I O N

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I, Edward J. Ruggeri,
Registered Professional Reporter,
Certified Court Reporter and Notary
Public, do hereby certify that the
foregoing is a true and accurate
transcript of the stenographic notes taken
by me in the aforementioned matter.

- - -

Edward J. Ruggeri, RPR, CCR